

U.S.C. §112, first paragraph. Applicants respectfully traverse the objection and rejection.

The Examiner has maintained the position that the replacement of the term "macroplegmaic" with the term "macroreticular" introduces new matter into the instant disclosure.

Applicants respectfully submit that there was an error in the translation of the priority application 960100185 (hereinafter GR '185), filed in Greece on June 5, 1996. In the translation of GR '185, the term "macroplegmaic" was used in error and should have been "macroreticular". In support of this position, Applicants have attached hereto a Declaration by Mr. Constantinos Kilimiris who is well acquainted with the English language and the Greek language.

In the Declaration, Mr. Kilimiris states as follows:

I am well acquainted with the English language and the Greek language.

I have read and understand the invention as described in the present specification and claims, and have read and understand the Office Action dated November 6, 2001.

The present invention is drawn to a macroreticular polymer, a process for preparing said macroreticular polymer, and the use of said macroreticular polymer as an absorbent.

In the outstanding Office Action, the Examiner states that Applicants' amendment of the specification and claims wherein the term "macroplegmaic" has been replaced with "macroreticular" adds new matter to the disclosure.

In my opinion, replacement of the term "macroplegmaic" with "macroreticular" does not add new matter to the disclosure for the following reasons.

There appears to have been an error in the translation of the priority application 960100185 (hereinafter GR '185), filed in Greece on June 5, 1996. As can be seen from the attached pages 2 and 8-10 of GR '185, the Greek term in question, "μακροπλεγματική", appears with frequency. This Greek term was inadvertently translated to be "macroplegmatic". The original translator understood that the Greek term "μακροπλεγματική" defines the inventive polymeric composition as being in the form of a large net or a macronet. The term "plegma" is the Greek equivalent of the English term "net", which in Latin is "reticulum". Accordingly, the term "macroreticular" is the appropriate translation of the Greek term "μακροπλεγματική", and it is not new matter to replace the term "macroplegmatic" with "macroreticular" in view of the common etymology of the two words.

In view of the statements by Mr. Kilimiris made for the record, Applicants respectfully submit that amending the specification and claims to recite the term "macroreticular" does not add new matter to the disclosure, and as such, withdrawal of the objection under 35 U.S.C. §132 and the rejection under 35 U.S.C. §112, first paragraph is respectfully requested.

**Issues Under 35 U.S.C. §102 and §103**

The following rejections are pending:

- A) Claims 27, 28, 30-32 and 35 are rejected under 3 U.S.C. § 102(b) as being clearly anticipated by Meitzner et al. (USP 4,297,220) or Vulliez-Sermet et al. (USP 3,973,287);
- B) Claims 27, 28, 30-32 and 35 are rejected under 35 U.S.C.

§ 102(e) as being clearly anticipated by Rosenbaum (USP 5,460,792);

C) Claims 30-33 and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Meitzner et al., Vulliez-Sermet et al., or Rosenbaum; and

D) Claim 34 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Meitzner et al., Vulliez-Sermet et al., or Rosenbaum in view of Schwarz et al. (USP 5,017,436).

Applicants respectfully traverse each of the rejections.

Advantages of the Present Invention

The present invention is drawn to a novel macroreticular polymer, the process for its preparation and the use of the macroreticular polymer as an adsorbent.

The release of organic solvents and oils into bodies of water such as rivers and oceans has been on the increase. As the concentration of these pollutants increases, the delicate balance in ecosystems is adversely affected. This is a problem which requires a novel approach. The novel inventive macroreticular polymer is designed to address this problem as an adsorbant of organic solvents and oil. One possible approach is to load the macroreticular polymers into a net and suspend the loaded net in polluted water. The net is swept over the polluted water and the macroreticular polymers absorb the pollutants therefrom. An

important aspect of the ability for the inventive macroreticular polymer to absorb effectively, is the fact that the macroreticular polymer has an  $M_w$  of about 50,000.

Applicants have provided the above explanation to highlight the features of the present invention which patentably distinguish over the cited references.

Meitzner et al., Vulliez-Sermet et al., and Rosenbaum

Applicants comments regarding the patentable distinctions between the presently claimed invention and that of Meitzner et al., Vulliez-Sermet et al., and Rosenbaum as appearing in the amendment filed October 22, 2001, are herein incorporated by reference.

Applicants maintain the position that these references teach a process for forming the macroreticulated crosslinked copolymers by concurrent (at the same time) polymerization in crosslinking reactions. This is in contradistinction to the present process wherein the macroreticular product is formed by crosslinking a preformed polymer. As noted above, the fact that the present macroreticular polymer has an  $M_w$  of about 50,000 is important to obtain effective absorbing properties. It is Applicants' position that a concurrent polymerization in crosslinking reaction would not give an  $M_w$  of about 50,000. Accordingly, the cited references fail to teach or suggest the advantages of the

inventive macroreticular polymers.

In support of Applicants' position, attached hereto is a Declaration by the co-inventor, Mr. Ioannis Konstantakopoulos. In the Declaration, Mr. Konstantakopoulos indicates that the "Mc" value of a macroreticulated polymer is closely related to the absorption capability of the polymer. He also states that

[T]he concurrent polymerization and crosslinking reactions would not give an Mc of about 50,000. Accordingly, the inventive macroreticular crosslinked polymers are structurally distinct from the polymers of the cited references.

In view of the foregoing, significant patentable distinctions exist between the present invention and the disclosure of Meitzner et al., Vulliez-Sermet et al. and Rosenbaum.

Schwarz et al.

The Examiner, aware of the deficiencies of Meitzner et al., Vulliez-Sermet et al., and Rosenbaum has cited Schwarz et al. in order to cure those deficiencies. Applicants respectfully submit that Schwarz et al. fail to cure the deficiencies of the base references.

First, Schwarz et al. has been cited to teach that SEBS is a well known polymer material. Applicants respectfully submit that Schwarz et al. fail to cure the deficiencies of Meitzner et al.,

Vulliez-Sermet et al., and Rosenbaum, since Schwarz et al. fail to teach or suggest the concurrent polymerization and crosslinking reactions which result in a distinct polymer having an Mn of 50,000 and adsorptivity.

Second, Applicants respectfully submit that the skilled artisan would not be motivated to look to Schwarz et al. to modify any of Meitzner et al., Vulliez-Sermet et al. or Rosenbaum, since each of these references teaches a product which is useful in a different field of endeavor than that of Schwarz et al.

Schwarz et al. teach that their polymer compositions are useful in rigid containers or blister packs, see column 4, lines 1-5, whereas each of Meitzner et al., Vulliez-Sermet et al. and Rosenbaum teach the polymer composition as useful in removing contaminants from solutions. Thus, claim 34 is not made obvious by the combination of Meitzner et al., Vulliez-Sermet et al. or Rosenbaum in view of Schwarz et al.

"Accordingly, an Examiner cannot establish obviousness by locating references which describe various aspects of a patent applicant's invention without also providing evidence of the motivating force which would impel one skilled in the art to do what the patent applicant has done." *Ex Parte Levengood*, 23 USPQ2d 1309 (BOPAI 1993).

In view of the foregoing, Applicants respectfully submit

that the presently claimed macroreticular product is neither anticipated nor rendered obvious by the cited references, and as such, withdrawal of each of the rejections is respectfully requested.

Conclusion

In view of the above comments, Applicants respectfully submit that the claims are in condition for allowance. A notice to such effect is earnestly solicited.

If the Examiner has any questions concerning this application, he is requested to contact Garth M. Dahlen, Ph.D., Reg. No. 43,575, at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

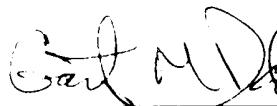
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required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17;  
particularly, extension of time fees.

Respectfully submitted,

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Attachment: Declaration by Mr. Konstantakopoulos  
Declaration by Mr. Kilimiris